

Quick Reference:

Issue	Key dates / progress
WFD Implementation Working Group	The latest meeting took place 16 September 2009
Inter-departmental Board	The latest meeting took place 1 October 2009
North-South WFD Co-ordination Group	The latest meeting took place 26 November 2009
Stakeholder/Public Participation	Local CSG meetings were held in Autumn 2009
WFD Article 9 – cost recovery	Water & Sewerage Services (Amendment) Bill drafted
Groundwater Daughter Directive	Regulations were made on 2 July 2009 and came into operation on 10 August 2009
Hydromorphological Controls	An evaluation of existing controls has been carried out. Recommendations to be included in RBMP
NIEA Education & Awareness Raising Activities	More Information available on NIEA Website
Priority Substances Directive	(Related to Art 16 of WFD). Transposition deadline is 13 th July 2010
Abstraction & Impoundment Licensing	NIEA is to introduce the fees and charges scheme from 1 April 2010
Bathing Water Directive (Revised)	Initial usage surveys have taken place during the 2009 Bathing season
Floods Directive	The public consultation period on the Draft Floods Directive Regulations closed on 2 nd October.
Integrated Coastal Zone Management	Progress report from Coastal and Marine Forum expected early 2010
Marine Bills	The Marine and Coastal Access Act received Royal Assent on 12 November 2009.
Marine Strategy Framework Directive	UK-wide consultation on draft legislation published 30 October 2009.
Nitrates Directive	A review of the Nitrates Action Programme and derogation has commenced.
Non-Agricultural Diffuse Water Pollution	Position Paper incorporated into RBMPs
NI Rural Development Programme	NICMS to re-open for applications early 2010
Planning Policy Statement 2	Review of PPS 2 underway. Drafting at an advanced stage
Planning Policy Statement 21	Draft PPS 21 consultation complete.
Septic Tanks	Review of Legislative Requirements & Data held is ongoing
Shellfish Waters Directive	The Department classified new or modified existing areas by means of a Legal Notice under Article 6 of the Water (Northern Ireland) Order.

Sustainable Drainage Systems
(SuDS)

The consultation on proposals to produce a strategy to promote SuDS in NI
is now complete.

Update Paper to WFD Stakeholder Forum

This Paper provides a brief update on a range of activities which have been ongoing since the last Forum meeting (September 2009) and highlights some areas of future work. Further information on these issues is available if required and further updates will be made for future Forum meetings.

1. Working with other Government Departments

The Implementation Working Group (comprised of officials from various Departments with WFD interests and responsibilities) held its most recent meeting on 16 September 2009. The agenda included an update on RBMP consultation responses, a discussion on costing for the River Restoration and Improvement Programme and an update on the implementation programme for local management areas.

The latest **Inter-departmental Board meeting** was held on 1 October 2009. The agenda included an update on the public consultation regarding the draft River Basin Management Plans, a discussion on basic and additional measures in the programme of measures and an item on the Executive sign-off process for the first RBMPs. To view the minutes from the previous meeting, click on the following link:

http://www.doeni.gov.uk/index/protect_the_environment/water/water_framework_directive/wfd_board.htm

Co-ordination in International River Basin Districts

The **North South Water Framework Directive Co-ordination Group** meets quarterly – the latest meeting was on 26 November. The agenda included an update on the finalisation of the first River Basin Management Plans and a discussion regarding the UN Convention on non-navigational uses of watercourses.

Stakeholder / Public Participation

CSG meetings took place during Autumn 2009. More information on the CSG meetings can be found on the NIEA Website at:

http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups.htm

2. WFD Activities

River Basin Management Plan Regulatory Impact Assessment

PEPG engaged Atkins consultants to undertake a strategic Regulatory Impact Assessment of the additional measures proposed as part of the River Basin Management Plans. The project produced an assessment to accompany the first river basin plans.

Article 9 – Cost recovery & Incentive Pricing

The Executive plans to publish a consultation document on the recommendations from the Independent Water Review Panel's Strand 2 Report and the proposed charging methodology.

Domestic water charges were to be introduced in April 2010 but in the absence of an Executive decision, a Water and Sewerage Services (Amendment) Bill was drafted to

enable DRD to subsidise Northern Ireland Water for a further 3 years (up to March 2013). The Bill is currently going through the Northern Ireland Assembly.

DRD provided revised wording to DOE in respect of Article 9 based on the Executive's 'current' proposals for water pricing and how they will contribute to the delivery of the Water Framework Directive requirements.

Water-pricing policies to provide adequate incentives for users to use water resources efficiently

Water pricing for non-domestic users already exists and was extended by the Executive to all non-domestic consumers on 1 April 2008. The majority of non-domestic customers included are metered and charged according to usage. This meets the Directive's requirement for users to use water resources efficiently and promotes the polluter pays principle. The bulk of non-essential or discriminatory water use is by non-domestic water users account for around 30% of the total water consumed in the North. The rolling out of metering in that sector will incentivise efficient use of water resources and achieve the aims of the Directive.

A number of additional measures are being taken to achieve the environmental objectives of the Water Framework Directive. Foremost is the major investment to upgrade water and sewerage infrastructure. The prioritisation of this investment is set out in draft Ministerial Social & Environmental Guidance. This will be reflected in the final WFD Programme of Measures amongst other things. The Water and Sewerage Services (NI) Order 2006 also places a duty on Northern Ireland Water (NIW) to promote the efficient use of water by customers. The Northern Ireland Authority for Utility Regulation (NIAUR) has the power to enforce this duty.

Disaggregated contributions into at least industry, households and agriculture based on the economic analysis conducted according to Annex III and taking account of the polluter pays principle

Ministers have not yet agreed proposals for the funding of household water and sewerage consumption. However, the cost of providing water and sewerage services to each of the customer groups (including households) is apportioned in the NIW tariff model and can, therefore, be identified.

The contributions of different water uses can, therefore, be disaggregated into industry, agriculture and households in line with Article 9(1). The majority of contributions from industry and agriculture are based on actual usage through metering and calculated according to Annex III of the Directive, taking account of the polluter pays principle. Trade effluent charges are based on the Modgen formula which takes account of the polluter pays principle.

Groundwater Daughter Directive

Under the Water Framework Directive, the European Commission proposed the introduction of specific measures to prevent and control groundwater pollution and achieve good groundwater chemical status. The Groundwater Daughter Directive (2006/118/EC), adopted on 12 December 2006, establishes criteria for assessing the chemical status of groundwater bodies and for identifying and reversing upward trends in pollution of groundwater bodies. It also requires the establishment of measures to prevent or limit the input of hazardous substances or non-hazardous pollutants into groundwater.

The Department transposed the Groundwater Daughter Directive by making the Groundwater Regulations (Northern Ireland) 2009 on 2 July 2009. These came into

operation on 10 August 2009. A copy of the Regulations, consultation paper and summary of responses paper can be found on the DOE Website at:

http://www.doeni.gov.uk/index/protect_the_environment/water/groundwater_.htm

Hydromorphological Controls

WFD requires control of changes to the physical characteristics of water bodies, where these changes have an ecological impact which could interfere with meeting the objectives of WFD. PEPG formed a working group, involving other Departments and Agencies (e.g. Planning Service, DCAL, Rivers Agency, NIEA), to look at the current mechanisms in place for controlling these hydromorphological changes. The proposal arising from this review recommended that appropriate guidance to supplement legislation offering control over physical modifications is developed and put in place, to ensure compliance with WFD requirements. The recommendations of the review will be included in the final River Basin Management Plans.

NIEA Education and Awareness Raising Activities

The Northern Ireland Environment Agency Website, "Wonderful NI" has inspirational ideas for days out in Northern Ireland, including countryside walks, family adventures and exploring nature first-hand.

In addition, as part of the Better Regulation programme, NIEA in association with ARENA Network (Business in the Community) are running a series of seminars for businesses over the next 12 months, which will cover a range of regulation-specific and sector-specific issues. More information is available at:

http://www.ni-environment.gov.uk/better_regulation/business_seminars_programme.htm

More information about NIEA education and awareness raising activities can be found on their Website at:

<http://www.ni-environment.gov.uk/other-index/education.htm>

<http://www.ni-environment.gov.uk/other-index/events.htm>

Priority Substances Daughter Directive

The Priority Substances Daughter Directive (relating to article 16 of WFD) was published on 24 December 2008. This Directive must be transposed into national legislation by 13 July 2010. Work is ongoing to prepare a set of draft Regulations, which will transpose the Priority Substances Directive. It is proposed that these Regulations will also include detail defining classification schemes and environmental standards to be used under the Water Framework Directive. Public consultation on the Regulations is anticipated Spring 2010.

3. Related Policy Issues / Legislation

Abstraction and Impoundment Licensing

The introduction of a Fees and Charges Scheme for the Water Abstraction and Impoundment (Licensing) Regulations (NI) 2006, was agreed by the Minister in June 2009.

It is anticipated that application fees for new applications will be introduced from 1st April 2010. Annual subsistence charges for licence holders abstracting more than 100m³ per day will apply for abstractions operating between January to December 2010.

NIEA (Water Management Unit) is planning to raise awareness of the new Fees and Charging Scheme with the relevant sectors. A billing process will be implemented during 2010.

Bathing Water Directive (Revised)

The aims of the revised Bathing Water Directive (2006/7/EC) (rBWD) are to preserve, protect and improve the environment and to protect public health.

It requires the monitoring, assessment and classification of bathing water quality at inland waters, and coastal and transitional waters; the development of a system of bathing water profiles; the undertaking of management measures in the event of specified pollution incidents; and the provision of appropriate, timely and standardised information to the public on water quality.

There are currently 24 identified bathing waters in Northern Ireland, the most recent addition being that of Portballintrae (Salmon Rock), which was formally identified on 30 June 2008.

The Department is committed to undertaking a "Review of Identification of NI Bathing Waters 2011" and initial preparations for the review have started. The Department sought nominations for candidate sites from key stakeholders by the end of May, and initial usage surveys of selected candidate sites, and existing identified bathing waters, have taken place during the bathing season in 2009. This will be followed by a verification survey in 2010 (of those selected candidate sites, and existing identified bathing waters where low usage numbers were observed during the initial usage survey in 2009); and the formal review documentation will be issued in early 2011 for public consultation.

Floods Directive

The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 which transposes the EU Floods Directive was made on 20th November 2009. As the Competent Authority Rivers Agency is progressing implementation of the Directive in partnership with other responsible authorities.

Progress with implementation is as follows:

The Preliminary Flood Risk assessment has commenced and the Rivers Agency has developed a methodology for considering the adverse consequences of flooding on human health, economic activity, the environment and cultural heritage. The outcome of this exercise will identify the areas at potential significant flood risk in Northern Ireland. The Preliminary flood risk assessment is programmed for completion this financial year.

Rivers Agency is undertaking a pilot study of Belfast to assist in the development of a methodology to produce flood risk management plans. Most of the Data gathering has taken place and modelling of Belfast Lough is underway to inform the study. The Agency has also commenced a separate pilot study for surface water flood hazard and flood risk mapping in Belfast. The strategy for coastal and fluvial flood mapping is being piloted in Newtownards with a fluvial flood mapping pilot also being piloted in Omagh. Mapping pilot studies are estimated to be complete in early 2010.

To assist in the implementation of this cross cutting Directive in NI, Rivers Agency has established the Floods Directive Steering Group. The third meeting of this group was held on the 5 November 2009.

Engagement and communication and public participation is a key requirement of the Floods Directive. Rivers Agency has established the NI Stakeholder Group which held its inaugural meeting on the 24th June 2009.

More information in relation to the Floods Directive can be assessed via the Rivers Agency website www.riversagencyni.gov.uk

Integrated Coastal Zone Management (ICZM)

The Northern Ireland Coastal and Marine Forum is currently drafting its first report to Government on progress against the targets and objectives contained in the Northern Ireland Strategy. The final report is expected early 2010.

Marine Bills

The Marine and Coastal Access Act received Royal Assent on 12 November 2009. The Act will introduce:

- a new UK-wide system of marine planning;
- a streamlined, transparent and consistent system for licensing marine developments;
- a flexible mechanism to protect natural resources, including marine protected zones with clear objectives;
- improvements to the management of marine fisheries; and
- a new Marine Management Organisation.

Northern Ireland is included in the Act for the provisions relating to the Marine Policy Statement, marine planning in the offshore part of the Northern Ireland zone and reformed marine licensing.

Separately, the Minister obtained the Executive's agreement in March 2008 to take forward similar proposals in Northern Ireland for those areas for which the Department has responsibility (fisheries being a matter for the Agriculture and Rural Development Minister) using a combination of the UK Bill and a Northern Ireland Assembly Bill.

Northern Ireland legislative proposals will be developed in 4 key areas; (a) marine planning for the territorial sea, (b) marine licensing, (c) marine nature conservation; and (d) arrangements for delivery, following a period of policy development and consultation.

The proposals will be delivered in Northern Ireland in a manner which will respect fully the devolution settlement and meet local needs by providing the opportunity for the full and meaningful involvement of the Assembly and stakeholders.

An inter-departmental steering group has been established to develop the policy and legislative framework for the draft Northern Ireland Marine Bill.

The Department aims to consult on policy proposals for the Northern Ireland legislation in 2010 with a view to introducing a Bill into the Assembly in the 2011/2012 legislative session.

The Department held a Marine Policy and Legislation Information seminar at Stranmillis College on 16 June 2009.

Marine Strategy Framework Directive

The Marine Strategy Framework Directive (MSFD) came into force on 15 July 2008 and must be transposed by July 2010. The Directive requires Member States to take the measures necessary to achieve or maintain Good Environmental Status (GES) in the marine environment by the year 2020 at the latest.

A UK-wide consultation "Putting in place the legal framework for implementation" was published on 30 October. Comments on the proposed transposing legislation are requested before 22 January 2010.

The consultation is available at www.doeni.gov.uk/msfd_consult.htm

Additional opportunities for public participation and consultation will be available at key stages of the implementation process including; preparation of the initial assessment, determination of good environmental status and the establishment of environmental targets and indicators, all due by July 2012; establishment and implementation of a monitoring programme due by July 2014; and development of the programme of measures due by December 2015.

Nitrates

The Nitrates Action Programme Regulations (Northern Ireland) (the NAP Regulations) came into operation on 1 January 2007 establishing measures to control the application and storage of livestock manures for all farmers. Key Action Programme measures include a closed period for spreading livestock manure during the winter months; a minimum livestock manure storage capacity requirement for farms; and a limit on the amount of livestock manure that can be applied to land of 170kg/nitrogen/hectare/year.

A derogation came into operation in Northern Ireland on 9 June 2008. This allows individual farmers who meet specific criteria to seek approval from the Northern Ireland Environment Agency to apply up to 250 kg N/ha/year from grazing livestock manure which is above the statutory 170 kg N/ha/year limit.

An amendment to the NAP Regulations to extend the provision for the temporary storage of poultry litter in field heaps until 31 December 2010 comes into operation on 14 December 2009.

This measure was introduced as progress had not been made with the off-farm solution for poultry litter, i.e. the Rose Energy project, on the timescale originally envisaged. With no alternative off-farm solution, poultry farmers have continued with the practice of storing poultry litter in field heaps and middens prior to land spreading, putting them in breach of the NAP Regulations. However, this practice is also not sustainable in the long-term due to the high phosphorus content of poultry litter, the enriched status of soils and the resultant impact on water quality.

A review of the Nitrates Action Programme and derogation has commenced. The review has collated the scientific evidence necessary to evaluate the effectiveness of the current Action Programme and will be submitted to the European Commission before the end of the year. This will inform and support if there is a need to revise the action programme for 2011-2014.

NI announced its intention at the 39th Nitrates Committee meeting on 29 September 2009 to apply for renewal of the derogation for 2011 – 2014. The renewal and derogation application will be taken forward in parallel, with the first in a series of meetings and presentations with the European Commission being held in January 2010.

The Departments held a meeting and workshop with stakeholders at AFBI Hillsborough on 24 November 2009, presenting the findings of the review to date and seeking input from stakeholders of their experiences of the action programme. A summary of these responses will be included in the review and considered in the formal consultation in Spring 2010.

Non Agricultural Diffuse Water Pollution (NADWP)

A position paper on the potential risks of Non-Agricultural Diffuse Water Pollution has been agreed by PEPG and NIEA and incorporated into the River Basin Management Plans.

Measures currently being progressed include:

- Discussions commenced on the introduction of Oil Storage Regulations to Northern Ireland in order to complement existing water protection legislation and to prevent pollution of the aquatic environment from inadequate storage facilities. It is the Department's intention to consult on draft Regulations by the end of March 2010.
- Consultations are ongoing in relation to the removal of phosphates from domestic laundry cleaning products; addendum to PPS 7 to promote the use of permeable paving in new developments; and proposed amendments to Householder permitted development rights requiring planning permission if not using porous or permeable materials in an area greater than 5m² at the front of a domestic dwelling.

NI Rural Development Programme

The agri-environment measure of the NIRDP has evolved to build on the successful features of previous agri-environment schemes. All NICMS applicants receive a farm nutrient and waste management advisory visit based on the principles contained in the revised Code of Good Agricultural Practice. In addition to drawing up obligatory farm waste management plans, participants will have the option of taking up new farm waterway and riparian zone management measures aimed at helping local agriculture meet WFD requirements.

Currently some 12,700 farmers are in agri-environment schemes. This represents approximately 42% of all agricultural land in Northern Ireland.

There has been a high level of interest in the Northern Ireland Countryside Management Scheme (NICMS) which opened in 2008. 4500 applications were received in the first application window in 2008 and from this approximately 1000 agreements will be signed. The Minister of Agriculture has announced that NICMS will reopen for applications in early 2010. Applications which did not progress to agreement stage in the last window will be automatically resubmitted.

More information on the NIRDP is available at:

<http://www.dardni.gov.uk/index/rural-development/nirdp2007-2013.htm>

A fully revised version of DARD's code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil was published in August 2008. The Code is activity based and provides practical advice for farmers. It is available at the following link:

http://www.ruralni.gov.uk/code_of_good_agricultural_practice_2008_cmb-3.pdf

Planning Policy Statement 2 (Planning & Nature Conservation) - Review

Significant progress has been made in updating Planning Policy Statement 2 – Planning and Nature Conservation. It is anticipated that a public consultation draft will be published in the Spring 2010.

Planning Policy Statement 21 (Sustainable Development in the Countryside) – Public Consultation

Former Environment Minister, Sammy Wilson MP MLA, made a Ministerial Statement on 25th November 2008 advising that the Department of the Environment has issued a revised rural planning policy for public consultation through draft Planning Policy Statement, PPS 21, 'Sustainable Development in the Countryside'.

The consultation period ended on 31 March 2009 and a report of the responses was considered by the Executive Sub-Committee on Rural Planning at its meeting on 30 June 2009.

The November 2008 Ministerial Statement also advised that draft PPS 14 and the accompanying Ministerial Statement issued by Arlene Foster in October 2007 are withdrawn and furthermore that the policy provisions of draft PPS 21 will now take precedence over the policy provisions of A Rural Strategy for Rural Northern Ireland and should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

The Ministerial Statement and draft PPS 21 are available on the Planning Service website: www.planningni.gov.uk.

In support of this publication the Department held a series of public information days throughout Northern Ireland during January and February, finishing on 25 February 2009. These were very well received and very well attended.

An Independent Working Group (on Non-Farming rural dwellers) chaired by Mr Jim McKinnon (Chief Planner for Scotland), was established to look at options for 'non farming rural dwellers', and had its first meeting on 3rd February 2009.

Septic Tanks

A review of the legislative requirements and responsibilities relating to on-site wastewater treatment systems and their impact on water quality is being delivered through SNIFFER. A desktop study to validate on-site wastewater treatment systems data held by Water Management Unit and other Government Agencies is being conducted through the NS Share project.

These projects are due to be finalised shortly. Work is currently underway to plan the next steps for the revision of current domestic consent policy and application processes in consideration with the outputs of these projects. Meetings have been planned with Stakeholders for inputting into the delivery of impacts analysis and resolution planning for small problem catchments on a prioritised/risk basis.

Draft PPS 21 contains a policy provision for development relying on non mains sewerage and forms part of the consultation on rural planning policy.

Shellfish Waters Designations

The Shellfish Waters Directive (79/923/EEC) aims to protect and/or improve the quality of coastal and brackish water bodies in which shellfish live, in order to contribute to the quality

of edible shellfish products. The Department has now classified new or modified existing areas by means of a Legal Notice under Article 6 of the Water (Northern Ireland) Order 1999 which was published on 26 June 2009.

Sustainable Drainage Systems (SuDS)

SuDS is the practice of controlling storm water runoff from hard surfaces as close to the origin as possible before discharge to waterway or underground stratum. This will require a change from traditional piped drainage systems to a system with softer engineering (although there is a place too for hard solutions) that effectively mimic natural processes. The design target will be for the discharge from all new developments to have the same quality and volume characteristics as those from the Greenfield site.

NIEA has published a consultation paper on proposals for a strategy to promote the use of SuDs within Northern Ireland. The Strategy has been developed by a Northern Ireland SuDs Working Party consisting of representatives of government departments, agencies and local authorities.

The consultation closed on 16 October 2009 and the full document may be viewed at:

<http://www.ni-environment.gov.uk/index/publications/consultations.htm>

Respondents were generally in favour of SuDs with calls for increased regulatory drivers for implementation and identification of revenue streams being a concern of those bodies likely to be responsible for maintenance.